

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
May 2, 2017

Gino Leonardis opened the meeting at 7:00 pm.

Please stand for the PLEDGE OF ALLEGIANCE.

This meeting was held in accordance with the Open Public Meeting Act and as such, proper notice of this meeting was published in The Observer and The Courier News and providing same to the Borough Clerk.

It is the policy of the South Plainfield Zoning Board of Adjustments, not to hear any new applications after 10:00 pm and no new witnesses after 10:30 pm.

ROLL CALL:

Present:

**Gino Leonardis, Chairman
Ken Bonanno
Maria Campagna
Cindy Eichler
Robert Hughes
Frank Lemos, 1st Alternate**

Absent:

**James Gustafson, Vice Chairman
Darlene Cullen, 2nd Alternate**

Also attending: Larry Lavender, Esq.; Nicholas Dickerson, PP, AICP; Bob Bucco, PE, CME, CPWM

MINUTES: None

RESOLUTIONS: (3)

- A. Case #09-17 -- Michael Pellegrini
Block 34: Lot 19: R-7.5 Zone
211 Firth Street**

Mrs. Eichler made motion, seconded by Mr. Lemos to accept the above listed Resolution. Those in favor: Mrs. Campagna; Mrs. Eichler; Mr. Lemos and Chairman Leonardis. Those oppose: None

- B. Case #10-17 -- Michael King
Block 184: Lot 8: R-10 Zone
412 Ritter Avenue**

Mr. Lemos made motion, seconded by Mrs. Eichler to accept the above listed Resolution. Those in favor: Mrs. Campagna; Mrs. Eichler; Mr. Lemos and Chairman Leonardis. Those oppose: None

- C. Case #02-17 -- Crisdell Group Inc.
Block 477: Lot 5: M-3 Zone
220 Ryan Street**

Mrs. Campagna made motion, seconded by Mr. Lemos to accept the above listed Resolution. Those in favor: Mrs. Campagna; Mrs. Eichler; Mr. Lemos and Chairman Leonardis. Those oppose: None

HEARING: (1 Residential – 1 Commercial)

- A. Case #12-17 -- Dolores Martin
Block 148: Lot 2: R-7.5 Zone
1115 Walnut Avenue**

The applicant is requesting a side yard setback for an existing non-conforming home for an addition.
Required: 8' -- Existing: 6.75'

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Dolores Martin – 1115 Walnut Street, South Plainfield, New Jersey – the applicant, is sworn in. Ms. Martin addressed the Board. Her sister has moved in with her. In order for her to have space of her own and so she does not have to climb stairs, she would like to put on a one (1) floor addition on the back of the house.

Chairman Leonardis asked Ms. Martin why she is before the Board. Ms. Martin answered that when her house was built in 1940 it is not squared on the lot. The back of the garage is too close to the property line by approximately 1.75'. Since the rules changed in December, she needs a variance even though the addition does not violate any rules.

Chairman Leonardis reiterated... there is a pre-existing condition that is in violation. Ms. Martin stated yes... my house is non-conforming.

Chairman Leonardis asked Ms. Martin to describe the addition. Ms. Martin stated going straight out the back of the house there will be on one (1) side a bathroom and a bedroom. Behind the other side of the house will be a little living room. Behind the garage will be the laundry room so it's on this level. Currently, it's in the basement. Chairman Leonardis reiterates... a one (1) story addition. Ms. Martin stated yes, one (1) story addition with a deck.

Chairman Leonardis stated this is a pre-existing non-conforming situation. Chairman Leonardis asked Ms. Martin if the existing outside will match the addition. Ms. Martin stated the whole house will be resided.

Mr. Lemos asked Ms. Martin when she is in the house and wants to visit her sister in the addition, how would she get there. Ms. Martin stated that currently the back of her dining room has a sliding door. That will be open to the living room and her bedroom will be off of the living room. Mr. Lemos reiterates... that will be left open. Ms. Martin stated yes.

Mr. Lavender asked Ms. Martin if there will be one (1) kitchen. Ms. Martin stated yes... one (1) kitchen. Mr. Lavender stated the concern is that it cannot be an apartment... a two (2) family. In the resolution, it can be stated that the access cannot be closed off. The access can be moved but it cannot be removed. Must be able to traverse from one (1) side to the other.

Chairman Leonardis opens the discussion to the audience. There were no comments or questions.

Chairman Leonardis addressed the Board. This is a simple application. It's a pre-existing condition. It is unfortunate it was discovered when she came in for an addition. The procedure and the process was followed. The application is a very good application.

Chairman Leonardis addresses Ms. Martin... it is nice of you to do what you are doing.

With no further questions or concerns, Chairman Leonardis calls for a motion to approve the application. Mrs. Eichler made motion with no additional kitchen, seconded by Mr. Bonanno. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Eichler; Mr. Hughes; Mr. Lemos and Chairman Leonardis. Those oppose: None

Chairman Leonardis and Mr. Lavender explain the process to Ms. Martin regarding memorializing of the resolution and the forty-five (45) day appeal period before she may apply for permits.

**B. Case #03-17 -- Verizon New Jersey Inc.
Block 528.01: Lot 46: OBC-3 Zone
6000 Hadley Road**

The applicant is requesting a Preliminary and Final Site Plan with a use variance.

Nicholas F. Talvacchia – Cooper Levenson, PA, 1125 Atlantic Avenue, 3rd Floor, Atlantic City, New Jersey – the attorney for the applicant, addressed the Board. They are seeking a variance and site plan approval for utility use. In 2006, the Board granted a five (5) year use variance for the back portion that is fenced for equipment storage that is not permitted. This is their corporate training center. There are poles in the back where people train. That is permitted. The variance in 2006, which he did not represent Verizon for, was to use the back area for equipment

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storage and trucks. Those five (5) years came and went. Verizon received a letter from Ms. Hildebrandt CTA last year stating the five (5) years is up and are five (5) years late. She did not fine them. He advised her that Verizon would like to apply to make it permanent. That is why they are here. In addition, Sandy came along and now there are seven (7) white containers... marine trailers. They contain temporary retaining walls that are used in a storm event. They can get deployed to facilities to protect them from flooding. In addition to making the storage area permanent, we are requesting permission to allow those seven (7) containers they are set forth in a way to deploy them in case of an emergency. There is another emergency response team that has portable generators. All this is to further the goal of reliable service as a public utility. It is a beneficial use. There are two (2) witnesses. Jeffrey Batiste, Senior Manager. He has been at the facility for ten (10) years and can discuss the specifics. There are one hundred thirty-four (134) employees at the training center. There is one (1) employee who is associated with the emergency deployment. There are four hundred ninety-five (495) parking spaces. There is more than enough parking. That is not an issue. If approved, there will be no change. Verizon will keep doing what they have been doing... But want it to be legal. Mr. Ardman, who is a Professional Engineer and Planner, prepared the plan. He points to a colorized rendering of the site plan that the Board has before them.

Jeffrey Batiste – 38 Pete Street, Tinton Falls, New Jersey – is sworn in. Mr. Talvacchia questioned Mr. Batiste.

- Are you an employee of Verizon? Yes.
- Are you physically located that this site? Yes.
- You have been there approximately ten (10) years? Yes.
- You are Senior Manager? Yes.
- This is a corporate training center. That is not an issue. It is permitted. Tell us what happens in the storage area.
 - *The back area is used to park vehicles which Verizon received a variance for.*
 - *It is less than forty-five (45) vehicles which is what they applied for.*
 - *There are some disaster vehicles to perform phone service. A satellite truck.*
 - *There are seven (7) containers ready for deployment.*
- Is all of this in support of Verizon's services? Yes.
- Those items are not directly related to the corporate training center, but it is excess land that Verizon has. Yes.
- Verizon can deploy them in an efficient manner. Yes.
- As indicated, these containers contain temporary retaining walls to be deployed in the event of a potential flooding at a location. Yes.
- Can you confirm that there are approximately one hundred thirty-four (134) employees associated with the training facility? *That is correct.*
- Any parking problems? *No, we do not have any parking problems.*
- More than sufficient parking? Yes.

Mrs. Campagna asked what page the plans are that they are referring to. Mr. Talvacchia stated page 3. Mrs. Campagna asked where are the containers? Mr. Talvacchia stated that when the surveyors went to the site, they only marked permanent structures on the plan. There are photos showing the location of the containers.

Chairman Leonardis stated page 2 has a clearer location of the structures.... Existing Conditions.

F. Mitchel Ardman, PE, PP – The Reynolds Group Inc., 575 Route 28, Suite 110, Raritan, NJ 08869 – is sworn in and accepted as a Professional Engineer and Planner. Mr. Talvacchia questioned Mr. Ardman using Exhibit A-1 – Existing Condition page 3 of the plans.

- Describes the previously approved area:
 - Points to Hadley Road, Route 287, Middlesex Mall, Everest Institute, Red Robin, LA Fitness.
 - Property line between Everest Institute and Verizon is the zone line... Verizon is OBC-3 and Everest Institute is M-2.
- Main building approximate eleven thousand (11,000) square feet.
- The lot is just under sixteen (16) acres.
- Area in back which was previously approved for:
 - Primarily training for pole climbing.
 - Forty-five (45) truck storage.
 - Equipment storage – spools of fiber optic cables (FIOS), etc.

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- After Sandy, it was found there is a need for rapid response teams. This site deploys equipment for rapid response.
- Exhibit A-2 – Aerial view of site – Google Maps.
- Rapid Response trailers located on Easterly side.
 - Lined up in a manor for tractor to hook up and move them.
 - Marked in the field.
- Steel shown by the containers are temporary.
- The area in the rear has existing six foot (6') high, chain link fence with slats which was previous approved.
 - A section is in disrepair and will be fixed. Verizon has begun addressing the issue.
- The 'new' area with the trailers is not currently screened.
 - Proposing Evergreens along the Easterly side to screen the trailers.
 - Esthetically and environmentally better than a fence.
 - Currently, off-site areas have trees and Evergreens.
 - Proposing from center driveway to the east.
 - Has worked with Dr. Tempel many times on other development and is aware of the types of Evergreens preferred.
- Positive criteria:
 - Inherent beneficial use for the service Verizon provides.
 - Support Item B and M in Municipal Land Use Law.
 - B is to secure safety from fire, flood, panic and other natural and man-made disasters.
 - Rapid response to emergency.
 - M is to encourage coordination in shaping land development with a view of lessening the cost of such development and more sufficient use of land.
 - Collating the other use.
- Negative criteria:
 - No substantial detriment to the public good.
 - Buffering from the street.
 - Benin use... the trailers do not move unless emergency.
 - No daily movement... potentially no yearly movement.
 - Verizon provides services to the public.
 - No impact to an industrial zone. Next door is an industrial zone.
- Will comply to Professional comments.

Mrs. Eichler stated that in the Environmental review letter it stated there were trees in poor condition or dead. Mr. Talvacchia stated they will be replaced.

Mr. Bucco requested a revised site plan showing the trailers. Mr. Talvacchia stated not a problem. Mr. Bucco continues... a landscape plan indicating what type of plantings and location. Mr. Talvacchia again stated not a problem.

Chairman Leonardis stated that he would like to see twelve to fifteen (12-15) evergreens, flowering trees or pear trees behind the trailers on the eastern property line. Mr. Talvacchia asked if this request can be a condition. Chairman Leonardis replied yes.

Chairman Leonardis asked if the interior road is an easement owned by Verizon. Mr. Talvacchia stated that Verizon has an easement on the western side road. They used to own that whole area which they subdivided but put the road in as an easement.

Chairman Leonardis stated they are not intensifying the current use.

Chairman Leonardis asked to review the Professional reports. Mr. Bucco stated he is satisfied. Mr. Dickerson stated that their comments were addressed. However, he asked if the rear parking area location that was originally for spools, is it also for rapid response. Mr. Talvacchia stated a part of it. It is also a general storage of trucks. It was limited to FIOS storage. They would like it to be for storage of Verizon vehicles and equipment for their general operations.

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Mrs. Campagna stated on the Engineering report, Item E – 1 there is mention of the fiber optic reels. Where is that location? Mr. Ardman stated that it is now a general equipment storage area. Mr. Bucco stated that in the original resolution that area was just for storage of fiber optic reels, but they are requesting to make a change to general equipment.

Chairman Leonardis asked in the future will there be an increase in intensity at this location. Mr. Talvacchia stated no... it may vary from time to time... a little more or a little less. The intensity would change if they were adding more employees or a change in function. There are no changes to the way it is used. Jeffrey Batiste confirmed that there is no change in function of the property.

Chairman Leonardis opens the discussion to the audience. No comments or concerns from the audience.

Chairman Leonardis stated as indicated this is a beneficial use. It is a utility. The property is kept in good condition. No intensification planned. With landscaping in the front, it will beautify the property and provide screening.

Mr. Talvacchia stated in addition to the use and preliminary and final site plan approval, they are asking for two principles uses on one lot... training facility which is permitted and storage area which is not permitted.

With no further questions or concerns, Chairman Leonardis calls for a motion to approve the application. Mr. Lemos made motion, seconded by Mr. Bonanno. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Eichler; Mr. Hughes; Mr. Lemos and Chairman Leonardis. Those oppose: None

INFORMAL HEARINGS: None

OLD BUSINESS:

NEW BUSINESS: None

CORRESPONDANCE: None

EXECUTIVE SESSION: None

ADJOURNMENT: 7:50 PM

Respectfully Submitted,
Joanne Broderick
Recording Secretary